

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY X. KELLEY,
Petitioner,
v.
DAVID BREWER,
Respondent.

No. 2:22-cv-01777-DJC-CKD P

ORDER

Petitioner, a former federal inmate proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 18, 2023, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis. While the Court appreciates

Petitioner's frustration that there was a narrow window in which to challenge the calculation of his earned time credits under the First Step Act, not all perceived wrongs are capable of being redressed in federal courts of limited jurisdiction.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 18, 2023, are adopted in full;

2. Respondent's motion to dismiss (ECF No. 11) is denied to the extent that it argues that the Court lacks jurisdiction because petitioner was not in custody at the time of filing;

3. The motion to dismiss (ECF No. 11) is granted on the grounds of mootness; and,

4. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1) is dismissed as moot.

IT IS SO ORDERED.

Dated: May 12, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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